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PATENT
Customer No. 22,852
Attorney Docket No. 01142.0102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Mark H. PAUSCH *et al.*	Group Art Unit: 1646
Serial No.: 09/786,033	Examiner: D. Jiang
Filed: July 3, 2001	
For: METHODS OF IMPROVING THE FUNCTION OF HETEROLOGOUS G PROTEIN-COUPLED RECEPTORS	

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In reply to the Office action mailed January 2, 2003, Applicants submit the following response, with a concurrently filed petition for a two-month extension of time and appropriate fee. In this Office action, the Office imposed a restriction under 35 U.S.C. §§ 121 and 372, asserting that claims 1-29 are directed to *eighteen* groups of inventions that are not so linked as to form a single inventive concept under PCT Rule 13.1. Office action, pages 2-4. Applicants provisionally elect to prosecute Group I, claims 1, 2, 4-7, 9, 13, 15-22, 24, 25, 28, and 29, drawn to a yeast cell comprising a nucleic acid encoding a modified muscarinic acetylcholine receptor, wherein the modification promotes agonist growth, with traverse.

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Under PCT Rule 13.1, an international application may relate to "a group of inventions so linked as to form a single inventive concept." And under Rule 13.2, the unity of invention requirement is met with respect to a group of inventions when there is a "technical relationship" involving one or more of the same or corresponding "special technical features"—meaning those features that distinguish the claimed inventions over the prior art. Applicant's submit that claims 1-29 are so linked as to form a single inventive concept and, therefore, the requirements of these rules have been met.

In this case, the Office has not only restricted the claimed inventions based on the type of G protein-coupled receptor, it has further restricted them based on the expressed functional response to modification of the wild-type receptor. But all of the claimed receptors include modifications and eliminations in the third intracellular domain. This is a common structural modification of each of the claimed receptors, and Applicants believe it constitutes a special technical feature that distinguishes the invention set forth in claims 1-29. Therefore, Applicants believe the Office's restriction based on the functional result of modifications to the third intracellular domain is improper under the PCT unity of invention requirement.

In view of the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the restriction requirement. In the event that the Office does not withdraw the restriction requirement, Applicants reserve the right to Petition the Commissioner to have the restriction requirement reviewed and/or to prosecute the non-elected claims in divisional or continuation applications.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: _____ Reg. No. 41,225 for
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Dated: April 1, 2003

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